

REMARKS

Claims 1 to 3 and 5 to 14 are pending in the application, of which claims 1 and 9 are independent.¹ Favorable reconsideration and further examination are respectfully requested.

Claims 1, 2, 3, and 5 to 8 were rejected over U.S. Patent No. 6,501,760 (Ohba); and claims 9 to 14 were rejected over U.S. Patent No. 5,940,390 (Berl). As shown above, Applicant has amended the claims to define the invention with greater particularity. In view of these amendments, withdrawal of the art rejections is respectfully requested.

Amended independent claim 1 defines a method for use in transmission of data packets, where the data packets comprise packet headers that include priority information, and where the priority information identifies the data packets as high priority data packets or as low priority data packets. The method includes transmitting the data packets via at least one of a first transmission medium and a second transmission medium, where the second transmission medium is redundant to first the transmission medium. The data packets are transmitted in accordance with Internet Protocol (IP). Transmission includes identifying which of the data packets are low priority data packets and which of the data packets are high priority data packets based on the priority information, transmitting the high priority data packets via the first transmission medium, transmitting the low priority data packets via the second transmission medium, switching transmission of the high priority data packets from the first transmission medium to the second transmission medium if there is a problem on the first transmission medium, and discarding low priority packets when high priority packets are transmitted via the second transmission medium.

¹ The Examiner is urged to independently confirm this recitation of pending claims.

The applied Ohba patent is not understood to disclose or to suggest the foregoing features of claim 1. In particular, the art is not understood to disclose or to suggest at least switching transmission of the high priority data packets from a first transmission medium to a redundant second transmission medium if there is a problem on the first transmission medium.

In this regard, as correctly noted in the Office Action, Ohba describes transferring higher priority packets at a different domain level rate (DLR) than low priority packets. In particular, page 3 of the Office Action equates links B1-R1 at 2Mbps and B1-R1 at 3Mbps to the first and second transmission facilities, respectively, of claim 1. However, these logical links do not constitute first and second redundant transmission media, and thus transfer of packets having different priorities does not occur over first and second redundant transmission media. As explained in column 20, which refers to Fig. 15:

On the other hand, in FIG. 15, the domain border router B2 marks only 2 Mbps of traffic as the high priority ones with respect to packets for which the next hop domain border router is B3, because only 2 Mbps can be expected to be treated as the high priority packets at the domain level within the domain C. Consequently, the remaining bandwidth becomes available for use by the low priority packets at the domain level within the domain B. (col. 20, lines 60 to 67)

Thus, in the case referred to above, transfer of the high and low priority packets appears to occur over a single network transmission medium, since it refers to bandwidth allocation. Even if multiple transmission media are used, there is no indication that first and second redundant transmission media are used in the manner required by claim 1.

Applicants note that the domains shown in Fig. 15 (and Fig. 2) Ohba may include various transmission media (although logical connections, as opposed to media, appears to be the focus of Ohba). However, Ohba does not disclose that two such transmission media are redundant, that one of the two media is for high priority packets, that the other is for low priority packets,

and that transmission of the high priority data packets is switched from the first transmission medium to the second transmission medium if there is a problem on the first transmission medium. Rather, Ohba only describes transferring data packets having different priorities at different speeds (DLRs), i.e., 2Mbps vs. 3Mbps without regard to transmission media.

Page 4 of the Office Action equates links B1-E2, B1-E1 and links R1-B3 and R1-B4 to first and second transmission facilities comprising junction lines. However, it is noted that these links are not redundant. Rather, the links between B1-E2 and B1-E1 are between different devices; therefore, there is no redundancy. Likewise for links R1-B3 and R1-B4.

For at least the foregoing reasons, claim 1 is believed to be patentable over Ohba. For at least the same reasons, independent claim 9 is believed to be patentable over Ohba.

In this regard, independent claim 9 defines a system for use in transmission of data packets, where the data packets comprise packet headers that include priority information, and the priority information identifies the data packets as high priority data packets or as low priority data packets. The system comprises a filter to receive the data packets. The filter is configured to identify which of the data packets are low priority data packets and which of the data packets are high priority data packets based on the priority information, and to output the data packets. A first queue is to receive high priority data packets output by the filter; and a second queue is to receive low priority data packets output by the filter. A switch is configured to direct the high priority data packets from the first queue to a first transmission medium, direct the low priority data packets from the second queue to a second transmission medium, where the second transmission medium is redundant to the first transmission medium, re-direct the high priority data packets from the first queue to the second transmission medium if there is a problem on the

first transmission medium, and discard low priority packets after high priority packets are re-directed to the second transmission medium.

The applied Berl patent is not understood to disclose or to suggest the foregoing features of claim 1. In particular, the art is not understood to disclose or to suggest, in combination, at least directing high priority data packets from the first queue to a first transmission medium, directing low priority data packets from the second queue to a second transmission medium, and re-directing the high priority data packets from the first queue to a second, redundant transmission medium if there is a problem on a first transmission medium.

In this regard, page 5 of the Office Action appears to equate item 732 of Fig. 7 to a first transmission facility (for high priority data packets) and item 738 of Fig. 7 to a second transmission facility (for low priority data packets) (see below).

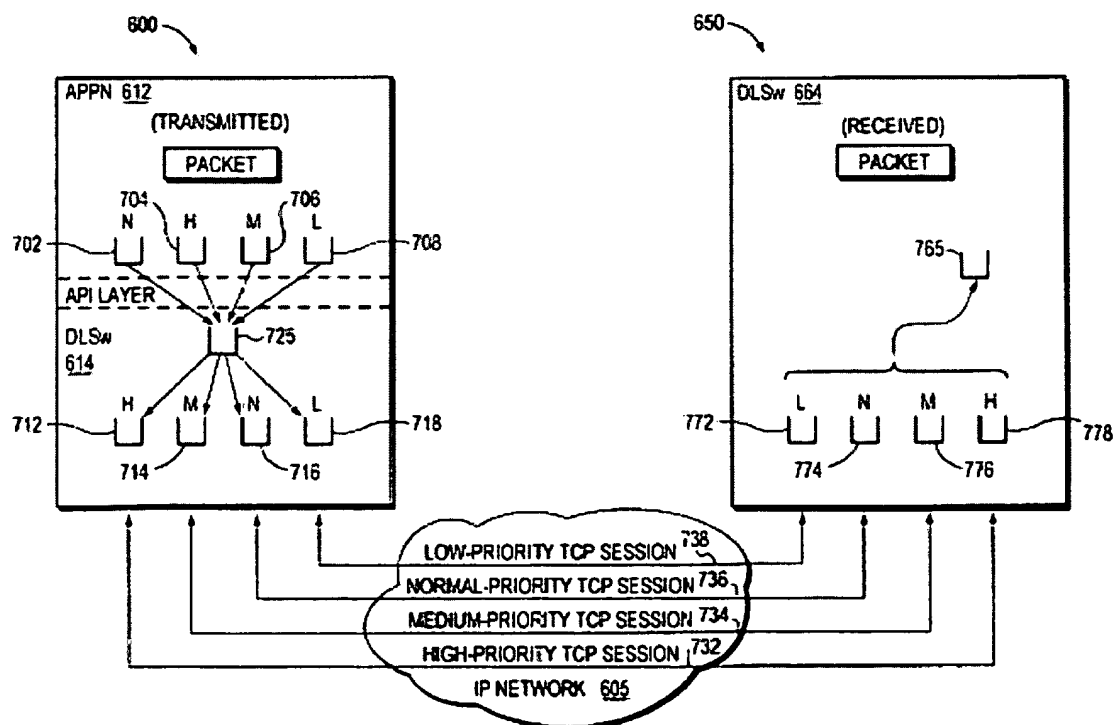


FIG. 7

Applicant, however, notes that items 732 to 738 correspond to TCP/IP sessions that are implemented on IP network 605, and not to separate, redundant transmission media, as in claim 1. The same is true for the LU-LU sessions shown in Fig. 6. Applicant acknowledges, as they must, that IP network 605 may include multiple transmission media. However, there is no indication in Berl that two, redundant transmission media are used to transmit high and low priority data packets, respectively, and that the high priority data packets are re-directed to the transmission medium that transmits the low priority data packets.

For at least the foregoing reasons, claim 9 is believed to be patentable over Berl. For at least the same reasons, independent claim 1 is believed to be patentable over Berl.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant : Joachim Charzinski
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In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

No additional fees are believed to be due for this response. However, if any additional fees are due including, but not limited to, claims fees and extension fees, please charge them to deposit account 06-1050, referencing Attorney Docket No. 12758-048US1.

Respectfully submitted,

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Paul A. Pysher
Reg. No. 40,780

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906